UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,045	04/20/2001	Dietrich Charisius	30013630-0008	3644

23485 7590 01/10/2006	EXAMINER
JINAN GLASGOW	INGBERG, TODD D

	ART UNIT	PAPER NUMBER
JINAN GLASGOW 300 N. GREENE ST., SUITE 1600 P.O. BOX 2974 GREENSBORO, NC 27401	2193	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/839,045	CHARISIUS ET AL.
Office Action Summary	Examiner	Art Unit	
	Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>7/28/2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

    4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

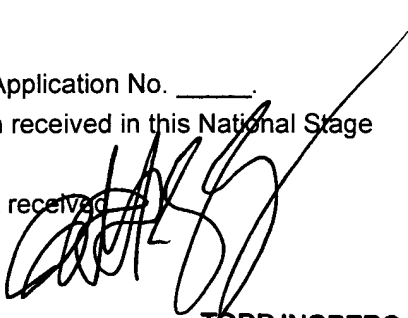8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>4/20/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

TODD INGBERG
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Status

Claims 1, 4-10, 20, 21, 23, 26-32, 43, 44, 45, 47-52, 68, 71-72, 75-76, 79, 83,

86-92, 102, 103, 105, 108-114, 124, 126-127, 129-134, 150, 153-154, 157-158,

161, 165, 168-173, 176-180 and 182-213 have been examined.

Claims 2, 3, 11-19, 22, 24-25, 33-41, 43, 46, 53-67, 69-70, 73-74, 77-78, 80-82, 84-85, 93-101,

104, 106-107, 115-123, 125, 128, 135-149, 151-152, 155-156, 159-160, 162-164, 166-167, 174-

175 and 181 have been cancelled.

Specification

1.   Amendment to Specification has been entered.

Priority

2.   Claim to Priority has been granted.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1, 4-10, 20, 21, 23, 26-32, 43, 44, 45, 47-52, 68, 71-72, 75-76, 79, 83,

86-92, 102, 103, 105, 108-114, 124, 126-127, 129-134, 150, 153-154, 157-158,

161, 165, 168-173, 176-180 and 182-213 are rejected under 35 U.S.C. 102(b) as being

anticipated by Template Software's commercial product line.

The **Template** product line contains:

>   The SNAP programming language (Not used in this Office Action)

>   The Workflow Template (Two manuals used)   .

>   The Web Component (Not used in this Office Action)

These three layered products work together.

The documentation sets for the products contains the following manuals.

SNAP released June 1997

>   SNAP Language Reference (Not used in this Office Action)

>   Using the SNAP Language (Not used in this Office Action)

>   Using the SNAP Communication Component (Not used in this Office Action)

>   Using the SNAP Graphic User Interface Component (Not used in this Office Action)

>   Getting Started with SNAP (Not used in this Office Action)

>   Using the SNAP Display Editors (Not used in this Office Action)

>   SNAP Class Library Reference (Not used in this Office Action)

>   Using the SNAP External Application Software Component (Not used in this Office Action)

>   Using the SNAP Development Environment (Referred to as **SNAP**)

>   SNAP Module Library Reference (Not used in this Office Action)

>   Using the SNAP Permanent Storage Component (Not used in this Office Action)

Workflow released September 1997

>   Developing a WFT Workflow System (Not used in this Office Action)

>   Using the WFT Development Environment (Not used in this Office Action)

>   WFT Library Reference (Not used in this Office Action)

Web Component

Using the Web Component (Not used in this Office Action)

Since, these products work together they constitute a single reference and can be used as the

basis for a rejection based on anticipated by a product offering. Furthermore, with the 1997 press

release announcing version 8.0 these considered prior art under *In re Epstein* 31 USPQ2d 1817

(decided August 17, 1994) with a 1997 release date despite the 1998 copyright date.

SNAP anticipates an object oriented programming environment (OO-CASE tool) with an

object model editor (**SNAP**, page 3-6). With in the Object model editor the user is able to link

classes. The links include inheritance and relation lines (**SNAP**, page 3-9). SNAP support a

plurality of dependencies (**SNAP**, page 3-14). In addition to the lines representing a form of

interface the functions also interface (page 3-44 parameters). One of ordinary skill in the art

should know messaging is inherent in object technology is also a form of interface (SNAP, page

3-44 functions are methods also can be called packages which support method calls).

Furthermore, the SNAP environment provides for error messages when rules in the object model

editor have been violated (SNAP, pages 2-15 and 2-17). SNAP also supports a class (node)

representing multiple links (SNAP, page 3-15 down arrow indicating child classes are present

but not shown). The ability to declare variables (attributes) is preformed by the Attribute tab

(SNAP, page 3-40). The code between two classes linked through inheritance is performed

dynamically and is visible the class editor (SNAP, page 3-31 – Inherits From). It should be noted

that the same interpreted environment generates the error messages above. Also the inherited

attributes and class attributes are visible on SNAP page 3-40. Local attributes to

functions/packages/methods are shown on SNAP page 3-44. The object model is not language

dependent the Object model is not a standardized language such as UML (**SNAP**, page 3-6).

Examiner Comment

Applicant's amendment to language independence if amended to specify the **source code generated is independent of the modeling language**. The Applicant will overcome the Template reference. Modeling languages themselves are languages and the amendment will distinguish over this possible interpretation. The Template Object Model is SNAP language dependent. Another note the Template reference has a model independent feature where the feature PATTERN allows input of many different models into the Template environment. Also, note the use of the term PATTERN is not the standard use in object oriented technology. The Template use is confusing if viewed as the normal meaning of Pattern.

Response to Arguments

The Applicant interpreted the Template reference as strictly being a product for reusing software

already in existence. The Template reference although it allows for reuse. The **SNAP** portion of

the layered product can be used for ground up development. This was not made clear by the

Examiner in the prior rejection. This action is **NON** final.
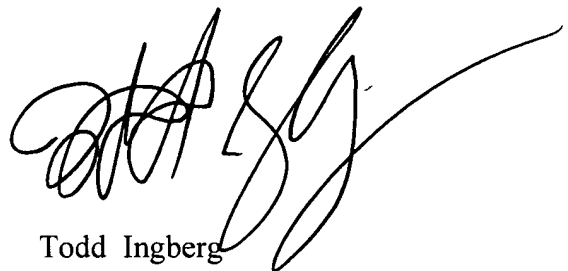
Correspondence Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd Ingberg
Primary Examiner
Art Unit 2193

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Continuation of Disposition of Claims: Claims pending in the application are 1,4-10,20,21,23,26-32,43-45,47-52,68,71,72,75,76,79,83,86-92,102,103,105,108-114,124,126,127,129-134,150,153,154,157,158,161,165,168-173,176-180 and 182-213.
Continuation of Disposition of Claims: Claims withdrawn from consideration are 2,3,11-19,22,24,25,33-41,43,46,53-67,69,70,73,74,77,78,80-82,84,85,93-101,104,106,107,115-123,125,128,135-149,151,152,155,156,159,160,162-164,166,167,174,175 and 181.

Continuation of Disposition of Claims: Claims rejected are 1,4-10,20,21,23,26-32,43-45,47-52,68,71,72,75,76,79,83,86-92,102,103,105,108-114,124,126,127,129-134,150,153,154,157,158,161,165,168-173,176-180 and 182-213.